

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00
 DOTE-00 INR-07 NSAE-00 CIEP-02 FAA-00 L-03 SS-15
 NSC-05 IO-13 OES-06 EPA-04 CEQ-01 /081 W
 097041 /71

R 222102Z DEC 76
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 8196
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY THE HAGUE
AMEMBASSY MADRID
AMEMBASSY LISBON
AMEMBASSY ROME
AMEMBASSY OSLO
AMEMBASSY STOCKHOLM
AMEMBASSY BERN
AMEMBASSY DUBLIN
AMEMBASSY ATHENS
AMEMBASSY ANKARA

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STATE FOR DOT-S1

E.O. 11652 N/A
TAGS: EAIR, ECAC, XT, US
SUBJECT: HANS RABEN LETTER TO SECRETARY COLEMAN
REGARDING US REGULATIONS AFFECTING EUROPEAN AIR
CARRIERS
1. ECAC SECRETARIAT HAS SENT EMBASSY LETTER FOR EARLY
TRANSMITTAL TO SECRETARY OF TRANSPORTATION COLEMAN.
TEXT OF LETTER FOLLOWS:
BEGIN TEXT:
21 DECEMBER 1976
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DEAR MR. SECRETARY:
I AM REFERRING TO THE VARIOUS CONTACTS WHICH HAVE
TAKEN PLACE IN THE RECENT PAST BETWEEN THE EUROPEAN
CIVIL AVIATION CONFERENCE (ECAC) AND THE UNITED STATES
ADMINISTRATION CONCERNING AIRCRAFT ENVIRONMENTAL
REGULATORY PLANS, NOTABLY THE VERY USEFUL MEETING WHICH

WE HAD WITH DEPUTY SECRETARY JOHN BARNUM AND THE LETTER WHICH MY PREDECESSOR, VICTOR VERES, WROTE TO JOHN MCLUCAS ABOUT THE EFFECT ON EUROPEAN STATES OF AIRCRAFT ENVIRONMENTAL REGULATORY ACTIVITY IN THE UNITED STATES (LETTER EC 9/15.9, EC 9/14.17-038 OF 9 FEBRUARY 1976).

IN THESE CONTACTS WE HAVE, INTER ALIA, MENTIONED THE CONCERN FELT BY EUROPEAN STATES AT THE POSSIBILITY OF UNILATERAL ACTION BY THE UNITED STATES TO APPLY TO FOREIGN REGISTERED AIRCRAFT USING US AIRPORTS, RULES WHICH WOULD AFFECT AIRCRAFT ON THE US REGISTER, IN ADVANCE OF INTERNATIONAL AGREEMENT, PREFERABLY UNDER THE AUSPICES OF ICAO. IN THE EVENT OF AGREEMENT NOT BEING REACHED IN ICAO, THE OPINION WAS EXPRESSED THAT AGREEMENT ON REGULATIONS AFFECTING EUROPEAN AIRLINES OPERATING TO THE UNITED STATES SHOULD BE SOUGHT BETWEEN YOUR ADMINISTRATION AND THE ECAC MEMBER STATES' ADMINISTRATIONS BEFORE ANY UNILATERAL ACTION WAS TAKEN.

SUBSEQUENTLY, A MEETING WAS HELD IN WASHINGTON ON 22 AND 23 APRIL BETWEEN A DELEGATION FROM ECAC AND REPRESENTATIVES OF THE ADMINISTRATION OF THE UNITED STATES AND OTHERS, AT WHICH OUR POSITION WAS CLEARLY STATED AND A WRITTEN STATEMENT CIRCULATED. THE STATEMENT EMPHASIZED OUR BELIEF THAT A DIALOGUE BETWEEN US WAS ESSENTIAL TO ENSURE THE ORDERLY DEVELOPMENT OF INTERNATIONAL AIR TRANSPORT.

IN OCTOBER, I WROTE TO THE UNITED STATES
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DEPARTMENT OF STATE, REGRETTING, WITH PARTICULAR REFERENCE TO YOUR PROPOSED REGULATIONS FOR AIRCRAFT GASEOUS AND SMOKE EMISSIONS, THAT IT APPEARED THAT THE UNITED STATES INTENDED TO CONTINUE ITS POLICY OF IMPOSING ITS DOMESTIC REGULATIONS ON FOREIGN CARRIERS OPERATING INTO THE UNITED STATES (LETTER EC 9/15.9, EC 9/14.17-309 OF 15 OCTOBER 1976).

IT IS THEREFORE WITH A CONSIDERABLE INTEREST THAT ECAC HAS NOTED THE RECENT PROPOSALS MADE BY THE UNITED STATES FOR AVIATION REGULATIONS IN THE ENVIRONMENTAL FIELD.

FIRSTLY, I SINCERELY WELCOME THE ATTEMPT TO BRING FAR 36 INTO LINE WITH ANNEX 16 BY MEANS OF NPRM 75-37C. THE NPRM MODIFIES NPRM 75-37 (WHICH WAS ADVERSELY COMMENTED UPON IN THE LETTER OF 9 FEBRUARY) TO BRING IT INTO LINE WITH THE STANDARDS BEING PROPOSED BY WORKING GROUP D OF THE ICAO COMMITTEE ON AIRCRAFT

NOISE (CAN) FOR SUBSONIC JET AIRCRAFT. IN THE EVENT
THERE WERE SOME AMENDMENTS TO THE WORKING GROUP
PROPOSAL AT THE NOVEMBER 1976 CAN MEETING AND I HOPE
THAT IN THE INTERNATIONAL INTEREST YOU CAN ENSURE THAT

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R 222102Z DEC 76
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 8197
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
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FAR 36 IS IN LINE WITH THAT WHICH IS FINALLY APPROVED
BY ICAO FOR ANNEX 16.

SECONDLY, STATEMENTS ARE MADE ABOUT A RULE TO BECOME
EFFECTIVE ON 1 JANUARY 1977 WHICH WOULD APPLY TO ALL
US CIVIL SUBSONIC JET AIRCRAFT EXCEEDING 75,000 LBS IN
WEIGHT, REQUIRING THEM TO MEET PRESENT FEDERAL
AVIATION REGULATIONS PART 36 NOISE LEVELS BY NO LATER
THAN 1 JANUARY 1985. IT IS NOTED WITH APPRECIATION

THAT IT IS THE INTENTION OF THE UNITED STATES "... TO
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WORK THROUGH ICAO TO REACH AGREEMENT WITH OTHER
NATIONS ON MEANS TO ABATE AIRCRAFT NOISE" AND INDEED
THE US REPRESENTATIVES COMMENCED SUCH ACTION DURING
THE NOVEMBER 1976 MEETING OF CAN. HOWEVER, IT IS
ALSO NOTED THAT IF NO AGREEMENT IS REACHED WITHIN
THREE YEARS IT IS THE INTENTION TO REQUIRE
AIRCRAFT FLOWN BY CARRIERS OF OTHER COUNTRIES TO MEET
US ESTABLISHED NOISE LEVELS BY THE SAME TIME THAT
YOUR DOMESTIC FLEET HAS TO DO SO.

OPPORTUNITY WAS TAKEN, DURING THE CAN MEETING REFERRED
TO ABOVE, BY MEMBERS AND OBSERVERS WHO ARE ALSO
MEMBERS OF ECAC, TO ISSUE A STATEMENT ABOUT THE
POSITION REACHED IN ECAC ON THE SAME SUBJECT. THE
STATEMENT WAS CIRCULATED AT CAN AS BACKGROUND
INFORMATION PAPER NO. 6 AND I ENCLOSE A COPY FOR
YOUR INFORMATION.

AS YOU CAN SEE, ECAC STATES HAVE ALREADY BEEN
RECOMMENDED NOT TO PERMIT THE USE ON INTERNATIONAL
FLIGHTS BEGINNING OR ENDING IN THEIR TERRITORIES
OF SUBSONIC JET AIRCRAFT FIRST ENTERED ON THEIR
REGISTER AFTER A SPECIFIED DATE NOT LATER THAN 30
JUNE 1979, WHICH DO NOT COMPLY WITH THE ACOUSTICAL
STANDARDS OF CHAPTER 2 OF ANNEX 16. YOU WILL WISH
TO KNOW THAT FOUR STATES HAVE ALREADY INTRODUCED
SUCH A RULE WITH APPLICABILITY DATES PRIOR TO 1976
AND OTHER STATES ARE CONSIDERING INTRODUCING THE
RULE IN THE NEAR FUTURE. IN RESPECT OF THE FOLLOW-UP
PROPOSAL TO NOT PERMIT THE USE ON INTERNATIONAL FLIGHTS
OF ANY NON-NOISE CERTIFICATED SUBSONIC JET
AIRCRAFT ON EUROPEAN REGISTERS, DETAIL STUDIES HAVE
BEEN INITIATED TO DETERMINE AND AGREE A DATE IN THE
1980S FROM WHICH ALL SUBSONIC JET AIRCRAFT USED ON
INTERNATIONAL FLIGHTS SHOULD BE REQUIRED TO MEET
ANNEX 16.

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THUS YOU WILL SEE THAT WE ARE WORKING TOWARDS THE
SAME OBJECTIVES AS THE UNITED STATES. IT WOULD
THEREFORE SEEM THAT AT AN APPROPRIATE TIME IT MAY BE
OPPORTUNE THAT WE SHOULD HAVE DETAILED TALKS, AIMED

AT HARMONIZING THE UNITED STATES AND ECAC POSITIONS.

FINALLY, IT IS NOTED THAT YOU WERE TO HOLD A PUBLIC HEARING ON METHODS OF FINANCING OF US AIRCRAFT NOISE REDUCTION REQUIREMENTS. WE HAVE READ WITH INTEREST YOUR STATEMENT OF ISSUES FOR THE PUBLIC HEARING PARTICULARLY THOSE REFERRING TO FOREIGN REGISTERED AIRCRAFT. IT IS UNDERSTOOD THAT WRITTEN PRESENTATIONS ON THIS MATTER SHOULD BE MADE.

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IN RESPONSE TO THAT OFFER I WOULD, WITHOUT PREJUDICE
TO OUR OBJECTION IN PRINCIPLE TO ANY UNILATERAL
ACTION BY STATES TO IMPOSE DOMESTIC REGULATIONS ON

FOREIGN REGISTERED AIRCRAFT BEFORE INTERNATIONAL
AGREEMENT ON THE SUBJECT, LIKE YOU TO NOTE THAT ECAC
WOULD OBJECT TO ANY ARRANGEMENTS, E.G. FINANCIAL,
WHICH WOULD RESULT IN UNFAIR OR DISCRIMINATORY
TREATMENT OF EUROPEAN AIRLINES.

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AS WITH THE SUGGESTED DISCUSSION ABOUT THE APPLICATION
OF THE RULE, ECAC WOULD BE PLEASED TO TALK TO US
REPRESENTATIVES AT AN APPROPRIATE TIME, ABOUT ANY
FINANCIAL PROPOSITION YOU MAY HAVE THAT WOULD
AFFECT OUR AIRLINES.

ASSURING YOU OF OUR ENTIRE CO-OPERATION ON THE PROBLEM
OF ABATEMENT OF AVIATION NOISE.

YOURS SINCERELY,

HANS RABEN

PRESIDENT OF ECAC. END TEXT.

2. LETTER POUCHED THIS DATE ALONG WITH CAN
BACKGROUND INFORMATION PAPER NO.6 NOT INCLUDED IN
THIS MESSAGE. COPY OF PAPER AVAILABLE AT
FAA, AEQ-1.
RUSH

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Margaret P. Grafeld
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